UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/12
23 February 1998

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Centre for European Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[6 February 1998]

Situation of human rights in Cuba

1. At the fifty-third session of the Commission on Human Rights, the Centre for European Studies explained its position on the way in which the Government of the United States of America manipulates and misrepresents the human rights situation in Cuba and called for the comprehensive study of the universality and interdependence of all human rights in every part of the world, on the basis of the principles of objectivity, non-discrimination, cooperation and observance of standards which must govern relations between nations, in accordance with the concepts proclaimed in the Universal Declaration of Human Rights and the main instruments adopted by the United Nations.

2. In the June 1997 issue of its newsletter Mensaje de Cuba, our organization reported the involvement of Pax Christi, Netherlands, in the plans and machinations of the United States to step up the blocade and isolation of Cuba on the international stage, in particular by exerting pressure on the European Union to join it in its aggressive and interventionist policy against our country.

3. In July 1997, we received document E/CN.4/1997/NGO/99 dated 8 April, circulated by the Commission on Human Rights at the request of Pax Christi International, on which we feel bound to make the following observations.

4. The first thing that strikes a reader of this document is the correlation between the factual information contained in the description of the human rights situation in Cuba and in the recommendations and the information used, manipulated and circulated by the United States Government and the agencies and organizations which it finances to carry out its campaign to isolate Cuba on the international stage.

5. The first part of the document refers to highly complex situations, many of which are being considered by national authorities in Cuba, but nowhere is any evidence produced to corroborate the assertions made.

6. These assertions are used as a basis for a series of recommendations which not only bear no relation to the alleged violations of human rights in Cuba, but betray a considerable ignorance or misunderstanding of the legal and institutional situation in Cuba and/or contain proposals involving demands which clearly undermine inalienable principles of the sovereignty of the Cuban people.

7. Although the Cuban Government, whose place it is to do so, has replied to most of the allegations of actual or presumed violations of human rights in Cuba, some of these contain such distortions of the truth that we also feel compelled to comment on them. For example:

(a) In paragraph 1 (b), Pax Christi International refers to the shooting down of two light aircraft which violated Cuban airspace on 24 February 1996 and makes assertions that differ from the results and findings of the investigations conducted by the International Civil Aviation Organization (ICAO) at the request of the Cuban and United States Governments and the United Nations Security Council, without taking into consideration, moreover, that these and other light aircraft similar to those used in

anti-guerrilla operations by the North American forces in Viet Nam or Central America had repeatedly violated our airspace on subversive missions, with the impunity accorded to them by the United States Government under its own aviation regulations, or the fact that the Cuban Government had repeatedly warned the North American Government that this type of operation could not be permitted in future.

(b) Paragraph 1 (c) "reports" on the alleged repression of the churches in Cuba, when the actual situation is quite different. Any impartial observer would find the alleged climate of repression quite inconsistent with the actual situation in which a wide variety of religions is practised, including 55 Christian denominations - one of them being the Catholic Church, a number of Hebrew communities, cults of African origin, spiritualism, etc., in complete freedom and independence, without any interference from the State. Cuba has numerous seminaries for the training of priests and clergy, who move within and outside the country in complete freedom. The various religious institutions and sects issue publications and a number of known religious activists are members of Parliament, having been elected by secret, direct universal suffrage. The religious organizations conduct their evangelizing activities, recruit new members, organize national, regional and international events and receive recognized religious leaders from all parts of the world in Cuba. The whole world watched the live television broadcasts of the visit of His Holiness, John Paul II to Cuba from 21 to 25 January 1998 and saw for itself the facilities and cooperation extended to the Catholic Church to ensure that all the scheduled activities went smoothly.

8. Some of the recommendations are quite astonishing!

(a) Mention is made of legalizing pro-democracy and human rights organizations, in disregard of the fact that Cuba has an Associations Act, Act No. 54 of 1986 and its regulations, under which there are thousands of general or specialized organizations or associations working for the promotion, enjoyment and protection of the fundamental economic, social, cultural, civil, political and "third generation" rights of our citizens;

(b) Recommendations 2 and 3 brazenly propose what would amount to a major reform of penal law, regardless of the fact that our Penal Code, even with its defects and limitation, has been modernized in keeping with current penal doctrines and with the guidelines laid down at recent United Nations Congresses on the Prevention of Crime and Treatment of Offenders, or that many of the offences which are blithely proposed for elimination are an inseparable part of the penal laws and codes of many countries throughout the world, as is the death penalty;

(c) Equally surprising is the recommendation that the Constitution of Cuba should incorporate the Universal Declaration of Human Rights. This gives the impression to anyone unfamiliar with our Constitution that it does not incorporate the rights embodied in the Universal Declaration as fundamental rights of citizens. A mere glance at Chapter VII of the Constitution of the Republic of Cuba would suffice to show that they are fully provided for and that even greater provision is made for economic, social and cultural rights in other articles of the Constitution;

(d) Equally simplistic is the recommendation to re-establish the Constitutional Tribunal, as if this were the only possible way for a country to ensure the observance of the Constitution and constitutional protection of its citizens. Various methods and systems of ensuring this protection exist throughout the world and in Cuba we have our own. Consequently, this recommendation, in addition to constituting interference in our country's internal affairs, is intended solely to give international public opinion the impression that there are no guarantees for citizens in Cuba, or any mechanism for safeguarding them;

(e) The recommendation that the Special Rapporteur appointed under pressure from the United States should be permitted to visit Cuba, when fewer and fewer countries are yielding to such pressure and blackmail, as shown by the results of votes in the Commission on Human Rights, is simply further proof of the intention of this document. Pax Christi International seems to forget the serious controversy over his appointment, due to the fact that the existence of a Special Rapporteur on Cuba was totally out of keeping with the actual human rights situation there;

(f) The last recommendation calls for the demilitarization of Cuban society, without producing any arguments or evidence to justify it. Such evidence cannot in fact be produced because the actual situation in Cuba is misrepresented.

9. The Centre for European Studies again reiterates that the human rights situation in Cuba, like that in all countries, can be studied only from a standpoint free of discrimination and political manipulation and that it also requires in-depth, rigorous and serious examination based on unfailing respect for the sovereignty of peoples. It must therefore be emphasized that recommendations 5, 6 and 7 reproduce literally the demands made by the United States on the European Union in an attempt to associate it with its policy of isolating Cuba, demands which were condemned both by the Assembly of the Liaison Committee of European NGOs to the European Union and by the European Parliament.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Bahá'í International Community, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 February 1998]

Situation of the Bahá'ís in Iran

1. Since the Islamic Revolutionary regime took power in Iran in 1979, Bahá'ís have been harassed and persecuted solely on account of their religious beliefs. They have repeatedly been offered relief from persecution if they were prepared to recant their Faith.

2. With approximately 300,000 members, the Bahá'í Faith is Iran's largest religious minority, but it is not recognized as a religion by the Iranian Constitution. The Islamic regime refers to it as a heresy and a conspiracy. As "unprotected infidels" Bahá'ís have no legal rights, although Iran is a signatory of the International Covenant on Civil and Political Rights which guarantees freedom of religious belief.

3. A secret Iranian government document published by the United Nations Commission on Human Rights in 1993 confirms that Iran's anti-Bahá'í actions reflect deliberate government policy. Produced by Iran's Supreme Revolutionary Cultural Council on 25 February 1991 and approved by the Islamic Republic's Supreme Leader, this document sets forth specific guidelines for dealing with "the Bahá'í question" so that Bahá'í "progress and development shall be blocked". It is no less than a blueprint for the slow strangulation of the Bahá'í community.

The Bahá'í religious minority in Iran

4. The Bahá'í community in Iran poses no threat to the authorities. The principles of the Bahá'í Faith require Bahá'ís to be obedient to their Government and to avoid partisan political involvement, subversive activity and all forms of violence. The Bahá'í community in Iran is not aligned with any Government, ideology or opposition movement.

5. The Bahá'ís seek no special privileges. They desire only their rights under the Universal Declaration of Human Rights, of which Iran is a signatory, including the right to life, the right to profess and practise their religion, the right to liberty and security of person, and the right to education and work.

Recent changes in the situation

6. Since November 1997 there have been 11 Bahá'ís arrested and imprisoned, bringing the total number of Bahá'ís in prison in Iran by reason of their Faith to 21.

7. Recently, the authorities have been arresting Bahá'ís on the excuse that they do not have work permits. The law states that anyone who works or is self-employed has to have a work permit, but this is a law that has rarely been enforced as the unemployment rate in the country is so high. Any requests by Bahá'ís for work permits are almost certain to be denied.

8. Mr. Nasir Iqani who was imprisoned in August 1997 has been released.

Executions, death sentences and imprisonment

9. Since 1979, more than 200 Bahá'ís have been killed and 15 others have disappeared and are presumed dead. In July 1997 two Bahá'ís, Mr. Masha'llah Enayati and Mr. Shahram Reza'i, were killed because of their religious beliefs.

10. Mr. Masha'llah Enayati, a 63-year-old Bahá'í resident of Tehran, died on 4 July 1997, after being severely beaten while in custody. During a visit to his native village of Ardistan to attend a Bahá'í meeting, Mr. Enayati was arrested under circumstances which are not clear. He was taken to prison in Isfahan, where he was severely beaten on all parts of the body. It appears that he was held in prison for about a week, before being taken to a hospital where he eventually passed away. Mr. Enayati's death certificate is worded in a most unusual way, suggesting that the doctor himself may have been under threat. Under "cause of death" the doctor entered in his own handwriting, "will be known later".

11. Mr. Shahram Reza'i, a young Bahá'í serving as a conscript in the Iranian army on a military base near the city of Rasht, was shot in the head by his superior officer on 6 July 1997 and died the following day. The officer concerned, who was responsible for weapons training, maintained that the bullets were fired in error. He was released after a few days, once it was determined that the dead soldier was a Bahá'í. The court excused the officer of paying the blood money normally required in such instances, ordering him to pay just the cost of the three bullets used to kill Mr. Reza'i. Mr. Reza'i is the seventh Bahá'í in Iran engaged in compulsory military service to have been slain by officers or other soldiers.

12. Arbitrary arrests of Bahá'ís continue, with a marked increase in the number of short-term arrests in various areas of the country. During the past three years more than 200 Bahá'ís have been arrested and detained for periods ranging from 48 hours to six months in cities such as Yazd, Isfahan, Simnan, Babul, Kirmanshah, Mashhad, Shiraz, Tankabun, Ahvaz, Kirman, Karaj, Qa'im Shahr and Tehran.

13. As of January 1998 the following 21 Bahá'ís were being held in prisons because of their religious beliefs:

Name	Date of Arrest	Charge	Sentence
Mr. Bihnam Mithaqi	29 April 1989	Zionist Bahá'í activities	Death
Mr. Kayvan Khalajabadi	29 April 1989	Zionist Bahá'í activities	Death
Mr. Musa Talibi	7 June 1994	Teaching the Faith, Apostasy	Death
Mr. Dhabihu'llah Mahrami	6 September 1995	Apostasy	Death

Mr. Mansur Haddadan	29 February 1996	Holding children's art exhibition	3 years
Mr. Kamyar Ruhi	29 February 1996	Holding children's art exhibition	5 years
Mr. Arman Damishqi	Early 1996	Misconduct (refused to recant)	8 years
Mr. Kurush Dhabihi	Early 1996	Misconduct (refused to recant)	8 years
Mr. Jamal Hajipur	May/June 1997	Charge and sentence	Unknown
Mr. Mansur Mihrabkhani	May/June 1997	Charge and sentence	Unknown
Mr. Ruhu'llah Rawhani	20 September 1997	Enrolling a Muslim into the Faith	Unknown
Mr. Nasir Qadiri	5 November 1997	Continuing "Family Life" meetings	3 years
Mr. Sirus Dhabihi-Muqaddam	Oct./Nov. 1997	Continuing "Family Lite" meetings	Unknown
Mr. Hidayat Kashifi Najafabadi	Oct./Nov. 1997	Continuing "Family Life" meetings	Unknown
Mr. Ata'u'llah Hamid Nasirizadih	Oct./Nov. 1997	Continuing "Family Life" meetings	Unknown
Mr. Kurosh Daneshgar	24 December 1997	No work permit	Unknown
Mr. Kurosh Pirjamali	24 December 1997	No work permit	Unknown
Mr. Siamak Manouchehri	24 December 1997	No work permit	Unknown
Mr. Vafa Ghayour	24 December 1997	No work permit	Unknown
Mr. Behnam Jahangiri	5 January 1998	No work permit	Unknown
Mr. Saeed Azimi	10 January 1998	No work permit	Unknown

Denial of the right to organize as a peaceful religious community

14. Since 1983 the Bahá'í community has been denied the right to officially assemble and the right to maintain its administrative institutions, those democratically elected governing bodies which in other countries organize and administer the religious activities of the community. Since the Bahá'í Faith has no clergy, the denial of the rights to elect and organize these institutions threatens the very existence of a viable religious community. These sacred institutions perform many of the functions reserved to clergy in other religions and are the foundational element of Bahá'í community life.

Confiscation and destruction of community properties

15. Bahá'í cemeteries, holy places, historical sites, administrative centres and other assets were seized shortly after the 1979 revolution. No properties have been returned and many have been destroyed.

16. A Bahá'í holy place in Urumiyyih was demolished in December 1996. This property, which was in the possession of the Revolutionary Guards, belonged to a Bahá'í organization, all of whose properties have been confiscated. The property has been destroyed to be replaced by a new building, the construction of which is still in process.

17. On 30 June 1993, the Bahá'í International Community was notified that bulldozers were being used to excavate a section of the Bahá'í cemetery in Tehran to make way for construction of a municipal cultural centre. Iranian authorities responded to international protests with contradictory explanations, both denying and confirming the destruction of the cemetery. Approximately 15,000 graves have been desecrated in this project.

18. Seizure of cemeteries throughout Iran has created problems for Bahá'ís, who have difficulties burying their dead and identifying grave sites. They are permitted access only to areas of wasteland which the Government has designated for their use, and are not permitted to mark the graves of their loved ones.

Confiscation of properties belonging to Bahá'ís

19. The property rights of Bahá'ís are generally disregarded. Since 1979, large numbers of private and business properties belonging to Bahá'ís, including homes and farms, have been arbitrarily confiscated.

20. The belongings of hundreds of Bahá'ís have been confiscated throughout Iran, including more than 150 cases in Yazd in 1995. In recent months the properties of 60 Bahá'í families were confiscated, including those of a blind woman, despite protests by her neighbours. In two cases the residents were evicted and their furniture was placed in the street. There are 10 other cases of property confiscations currently in process. According to reliable reports, the majority of the Bahá'ís in Yazd are now prohibited from conducting any business transactions. Attempts to have the central Government bring pressure to bear on the authorities in Yazd to ameliorate the circumstances of the Bahá'ís have been unsuccessful.

21. Seizure of personal properties, together with the denial of access to education and employment, is eroding the economic base of the Bahá'í community.

Denial of employment, pensions and other benefits

22. The confiscation of property is only one of the ways in which the Government is systematically weakening the economic base of the Bahá'í community. Many Bahá'ís in Iran have also been deprived of the means to earn a living. In the early 1980s more than 10,000 Bahá'ís were dismissed from positions in government and educational institutions because of their religious beliefs. Many remain unemployed and receive no unemployment benefits. The pensions of Bahá'ís dismissed on religious grounds were terminated; some of the Bahá'ís have even been required to return salaries or pensions paid to them. Bahá'í farmers are denied admission to farmers' cooperatives, which are often the only sources of credit, seeds, pesticide and fertilizer.

Denial of access to education

23. An entire generation of Bahá'ís has been systematically barred from higher education in legally recognized public and private institutions of learning in Iran. The Government recently changed the four-year high school to three years and made the fourth year a pre-university year. Diplomas are awarded to students, including Bahá'ís, at the end of their third year of high school. The high school diploma is required to obtain entry to the pre-university year, and that year is required for admission to technical schools and other educational institutes. Bahá'ís, however, are precluded from entry to the pre-university year, even if they hold a high school diploma, and so are denied access to these institutions of higher education. To our knowledge, members of no other religious group are deprived in this way.

24. The Bahá'í Faith places a high value on education, and Bahá'ís had been among the best-educated groups in Iran. The denial of access to higher education and recently being deprived of the fourth year of high school is demoralizing to Bahá'í youth. This erosion of the educational level of the community is, as its authors envisioned, inevitably leading to the impoverishment of the community.

Denial of civil rights and liberties

25. Unlike Christianity, Judaism and Zoroastrianism, the Bahá'í Faith is not recognized in the Iranian Constitution, and therefore Bahá'ís fall into the category of "unprotected infidels", whose rights can be ignored with impunity. In general, the pressures placed on the Bahá'ís by the judicial system have increased.

26. Neither Bahá'í marriage nor divorce is legally recognized in Iran, and the right of Bahá'ís to inherit is denied. For example, a Bahá'í was recently prevented from receiving her rightful share in the inheritance following the death of her daughter. The Ministry of Justice, Tehran Civil Court, issued a Certification of Inheritance which states that the only heir of the deceased

is her husband, a Muslim, "... because the other inheritors are Bahá'ís, and subject to article No. 881 of the Civil Law". On appeal, the Central Public Court ruled that this woman's objection to the previous verdict "... is unfounded because she has frankly admitted to the court that she is a Bahá'í". Until 1995, attempts to gain probate were permitted if carried out in a special way; however, since 1996, Bahá'ís have been strictly forbidden to seek probate.

27. The freedom of Bahá'ís to travel outside or inside Iran is often impeded by Iranian authorities or even denied. Although the last year has witnessed an increase in the number of Iranian Bahá'ís given passports, this does not represent a change in policy on the part of the Iranian Government.

28. Furthermore, in a number of communities the practice of summoning Bahá'ís to the security offices on various specious pretexts and insulting and belittling them, so as to create fear in their families and weaken their spirits, still continues unabated.